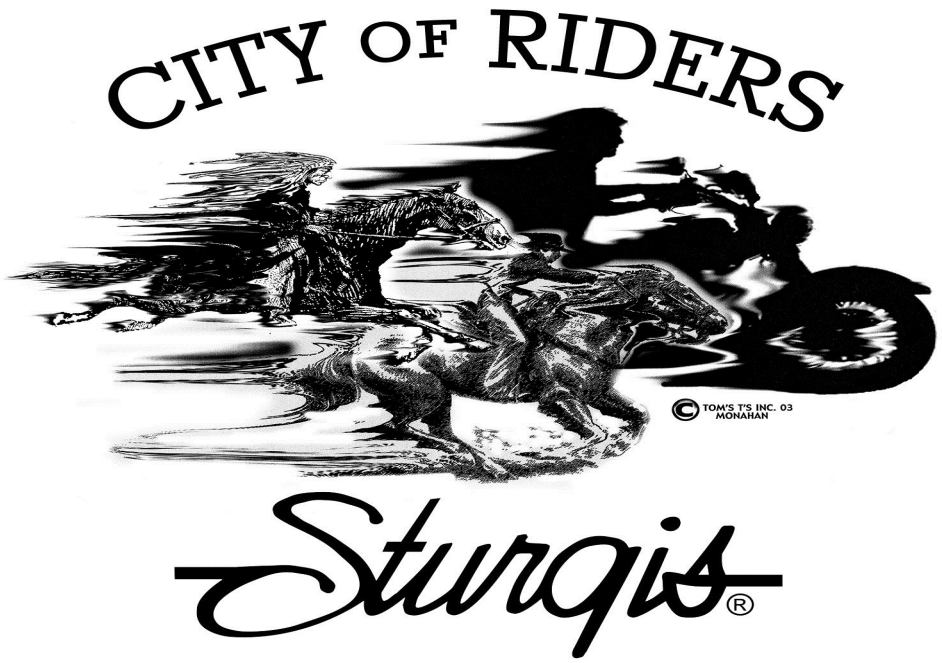
www.sturgismotorcyclerally.com

City of Sturgis
RALLY & EVENTS
DEPARTMENT

1040 Harley-
Davidson Way

Sturgis, SD 57785

Phone:
605-720-0800
Fax:
605-720-0801



2015 TATTOO & BODY PIERCING VENDOR MANUAL

Information in this manual is subject to change by South Dakota Legislative Sessions. Please check back after April 2015 for the most up to date information.

info@sturgismotorcyclerally.com

TATTOO & BODY PIERCING VENDOR MANUAL

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Dear Rally Exhibitor,

On behalf of the City of Sturgis, I would like to thank you for choosing to be an exhibitor at the 2015 Sturgis® Motorcycle Rally ™ . We are proud to host one of the oldest and largest motorcycle events in the world and recognize that vendors contribute greatly to our success.

While the Sturgis® Motorcycle Rally™ offers an excellent business opportunity we know it is an incredible commitment on your end. We have compiled material from the City of Sturgis, Meade County and the State of South Dakota to help you navigate through the process and provide you with all the information necessary to vend at the 2015 Sturgis® Motorcycle Rally™.

I encourage you to read this material carefully and review the checklist provided to ensure that you will be prepared. City ordinances and state laws pertaining to the Sturgis® Motorcycle Rally™ are also available for you to review. If you should have any further questions, don't hesitate to contact the Rally & Events Department. We are here to help.

SD DEPT OF REVENUE SALES TAX LICENSE OFFICE HOURS

July 28	1pm to 4pm
July 29, 30 & 31	9am to 4pm
August 1 & 2	9am to 2pm
August 3 & 4	9am to 3pm
August 5	8am to 5pm
August 6 & 7	9am to 3pm
August 8 & 9	9am to 5pm
August 10	9am to 3pm

CITY OF STURGIS FINANCE OFFICE ACCEPTED FORMS OF PAYMENT:

CASH**MONEY ORDERS**CASHIER'S CHECKS
(ATM Machine located in the lobby)
NO CREDIT CARDS or PERSONAL CHECKS
NO BUSINESS CHECKS AFTER 7-1-15
Please use the Sherman Street entrance

The Sturgis® Motorcycle Rally™ will be celebrating its 75th Anniversary August 3-9 in 2015.
We invite you to be a part of the celebration!

Best Regards,
Brenda Vasknetz
Sturgis Rally & Events Director
Phone ~ 605-720-0800
Fax ~ 605-720-0801
info@sturgismotorcyclerally.com

GENERAL CHECK LIST

PROCESS	WHERE	FEES	REFERENCES
Step 1 **Acquire a permanent vending location (Temporary Structure on Permanent location allowed)**	City or Private properties	Varies	Find Vendor Property Listings at sturgismotorcyclerally.com/vendor
Step 2 **Obtain a vendor location map signed by the property owner or manager**	Property Owner or Manager *Must be date–stamped by the City of Sturgis Finance Officer*		See Vendor Manuals at Sturgismotorcyclerally.com/vendor
Step 3 **Obtain a temporary South Dakota sales tax license**	South Dakota Department of Revenue 605-394-2332	Required $500 bond for first time & poor reporting vendors	http://sd.gov/rally All South Dakota sales tax license holders must obtain a temporary license if vending in a location other than their permanent licensed location
Step 4 **Apply for a City of Sturgis vendors license** (After receiving your sales tax license & location map)	See vendor license application on page 6 or call the Finance Office 605-347-4422 or Rally & Events 605-720-0800	***Each artist must obtain a license*** Cost is based on size of vending space	Available at www.sturgismotorcyclerally.com/vendors or by contacting the City of Sturgis Rally & Events Department at 605-720-0800

GENERAL CHECK LIST

PROCESS	WHERE	FEES	REFERENCES
Step 5 **Schedule a Health Inspection with the City of Sturgis**	Make an appointment when you apply for your vending license 605-347-4422	***$100 Tattoo Inspection Fee & $100 Piercing Inspection Fee***	See SD Department of Health Tattoo & Body Piercing Standards & City Tattoo Ordinance City Tattoo Inspections: 605-347-4422 Or SD Department of Health 605-773-3737

OVERVIEW OF REQUIREMENTS

**Requests for advance sales tax licenses must be received by the South Dakota Department of Revenue no later than July 1, 2015. If received after this date, your sales tax packet will not be mailed. However, the application will be processed and you can pick up the license packet at the Temporary Dept. of Revenue office located at the City of Sturgis, City Hall Building, 1040 Harley-Davidson Way, beginning on July 28, 2015.

**Vendor applications must be filed with the City of Sturgis Finance Office at 1040 Harley-Davidson Way. It must be accompanied by the appropriate fee, copy of your temporary South Dakota sales tax license and vendor location map signed by property owner or manager.

**Pre-registration for a vendor application is April 1 - July 1, 2015 or can be obtained upon arrival at the City of Sturgis Finance Office. Business checks will be accepted until 7/1/15 if mailed.

**The City of Sturgis vendor license fee & tattoo health inspection fee must be paid by cash, cashiers check or money order. *Don't send cash through the mail.* (Business checks allowed April 1—July 1, 2015)

**South Dakota Department of Revenue will accept checks for the bond on the temporary sales tax license.

**Check with the South Dakota Division of Highway Patrol concerning requirements for commercial vehicle licensing at 605-394-2286.

****You must pass your health inspection before you can obtain a City of Sturgis Vendor's License.**

INSPECTION REQUIREMENTS

Inspection	Fees	Entity	Reference
Electrical	Inspection fee may be required	State of South Dakota	South Dakota Electrical Commission Guide
Temporary Structure	Included in vendor license	City of Sturgis	Temporary structure ordinance
City of Sturgis Vendors License	Cost based on vending space size	City of Sturgis	Licensing of Transient Merchants ordinance
SD Temporary Sales Tax License	Bond for new & poor report-ing vendors	State of South Dakota	South Dakota Department of Revenue
City of Sturgis Health Inspection	Tattoo and/or Piercing $100 *each*	City of Sturgis	South Dakota Health Department

Note: Your license(s) must be posted in a visible location so it can be easily seen by inspectors. The City of Sturgis inspection team will visit every vendor location within the city limits. They are required to physically see your license(s) and make certain all inspection requirements are adhered to.

GENERAL INFORMATION

1. The 2015 vendor license fee for each vending area, shall be as follows:
   ~ $560: 100 square feet or less
   ~ $850: 101 to 400 square feet
   ~ $1000: 401 to 800 square feet
   ~ $1200: 801 to 1200 square feet
   ~ $1500: More than 1200 square feet

2. All vendors must provide a date stamped vendor location map signed by Property Owner/Manager prior to purchasing a vendor license.

3. All vendors are required to keep sales receipts in the form of cash register tape, written or printed credit card receipts, and/or hand written sales receipts that identify the item sold, the sale price, the tax charged and the time & date of the transaction.

4. Inventory sheets must be available at all times.

5. All vendors setting up outside of a permanent building, using a tent or temporary structure are required to obtain a temporary structure permit.

6. All temporary structures must be occupied, licensed and in operation within seven days of the **START** of structure set up.

7. All setbacks must be followed and property lines will be marked by the City of Sturgis prior to the event. If you are unsure of the setback, call before you set up or you will have to move.

8. All locations must have a temporary structure, vending license and be inspected prior to opening business. Failure to follow these guidelines will result in fines.

9. If you are unsure of any regulations, or just have questions, please call and we will provide you with information to make your rally profitable and trouble free.

10. Needles and other medical waste can't be disposed of in City totes or dumpsters.

11. Artists who aren't in compliance can have their vending license & health certificate revoked until they come back into compliance with the minimum sanitation standards.

Supplies Checklist for Tattoo Artists

The State of South Dakota establishes the minimum sanitation standards for tattooing. The City of Sturgis inspects each tattoo artist operating in the City limits to ensure these minimum standards are met and maintained. To help you prepare for the inspection, it is required that you have the following supplies at your tattoo station. (You cannot share supplies in order to pass inspection.)

All artists:

- ◊ Covered waste container
- ◊ Covered container for sharps (highly encourage use of a sharps container)
- ◊ Notice stating that it is illegal to tattoo any person under the age of 18 without a parent's or legal guardian's signed consent
- ◊ Unexpired ink in sealed containers
- ◊ 500 disposable pigment containers
- ◊ 300 disposable latex or vinyl gloves
- ◊ 1 gallon of germicidal soap
- ◊ 1 gallon of isopropyl alcohol
- ◊ 1 gallon of distilled water
- ◊ Single-use, disposable razor (s)
- ◊ Gauze and bandages in closed dustproof containers
- ◊ Petroleum jelly or antibacterial ointment
- ◊ Cotton swabs, gauze, or wooden tongue depressors (to apply petroleum jelly)
- ◊ Closed dustproof container for clean towels and linens
- ◊ Hamper or similar container for soiled towels and linens
- ◊ If styptics are present, must be in liquid or powder form
- ◊ Written care instructions
- ◊ Copy of the SD Minimum Standards for Tattooing (picked up when paid for vendor license)

Artists using <u>disposable equipment</u>:

- ◊ 250 sterile disposable setups

Artists using <u>reusable equipment</u>:

- ◊ Autoclave
- ◊ Lab results indicating autoclave has passed bacteriological testing in the past 30 days
- ◊ Serial # must match autoclave on premise
- ◊ 25 liner tubers in sealed, unexpired, sterile envelopes
- ◊ 25 shader tubes in sealed, unexpired, sterile envelopes
- ◊ 50 needle bar setups in sealed, unexpired, sterile envelopes

In addition to complying with the South Dakota minimum standards, all artists must also comply with any FDA recalls (voluntary or mandatory) in effect.

TO PRE-REGISTER, THIS FORM MUST BE COMPLETELY FILLED OUT AND ACCOMPANIED BY ITEMS LISTED BELOW.

Pre-registration available April 1 thru July 1, 2015

Food, Tattoo or Body Piercing Vendors **CANNOT** Pre-Register due to Health Inspection Requirements!!

Rally Dates
August 3rd-thru August 9th

PRE-REGISTRATION APPLICATION FOR 2015
CITY OF STURGIS
STURGIS® MOTORCYCLE RALLY™ VENDOR'S LICENSE
1040 Harley-Davidson Way * Sturgis, SD 57785 * 605-347-4422 * www.sturgismotorcyclerally.com

NAME OF APPLICANT _____
NAME OF BUSINESS _____
ADDRESS _____
_____
PHONE NUMBER _____
SD STATE TEMPORARY SALES TAX LICENSE NUMBER (must obtain first) _____

All Vendor Licenses (fee includes sanitation assessment)		
Vending Area of 100 square feet or less -$560 Vending Area of 101 to 400 square feet -$850 Vending Area of 401 to 800 square feet -$1000 Vending Area of 801 to 1200 square feet -$1200 Vending Area of more than 1200 sq feet -$1500	$_____	_____**Sanitation Assessment Only - $245** **Available Only For: NON-PROFIT** **(must include 501(c)3 documentation)** **OR: Wholesale** **OR: Farm &/or Garden Products**
TOTAL AMOUNT DUE	$_____	*Please submit a map of vending area that is clearly marked and signed by property owner or agent*

FOR A PERIOD OF TWELVE (12) DAYS: BEGINNING _____ ENDING _____

VENDING STRUCTURE: Vending Space Size _____
_____Indoor_____Tent_____Outdoor (no temp structure)_____Trailer/Mobile Structure_____Kitchen Trailer

PYSICAL STREET ADDRESS OF VENDING LOCATION IN STURGIS:

_____

CONTACT NAME AND PHONE NUMBER OF PROPERTY OWNER:

_____

COMPLETE DESCRIPTION OF ALL GOODS AND/OR SERVICES:_____

_____

Please include the following items with this application:

- ☐ A. Vendor Location Map signed by Property Owner or Agent
- ☐ B. This Application
- ☐ C. Copy of SD State Temporary Sales Tax License (from SD Dept of Revenue)
- ☐ D. Payment

After processing, a confirmation card will be mailed to you. When you arrive in Sturgis, bring the confirmation card to City Hall to pick up your vendor license. Only after you obtain your license will you be allowed to conduct business or fines may be imposed.

APPLICANT SIGNATURE_____DATE_____
AMOUNT RECEIVED_____( )Cash ( )Cashier's Check or Money Order
( )Business Check—Accepted for pre-registration until 7-1-15

Cashier's Checks, Money Orders & Business Checks must be made payable to THE CITY OF STURGIS.
CREDIT CARDS & PERSONAL CHECKS WILL NOT BE ACCEPTED!! **BUSINESS CHECKS NOT ACCEPTED AFTER 7-1-15!!**

***PRE-REGISTRATION APPLICATIONS MUST BE RECEIVED BY *JULY 1, 2015*.**
THE CITY WILL NOT PROCESS OR BE HELD RESPONSIBLE FOR APPLICATIONS RECEIVED BY MAIL AFTER SAID DATE.
After July 1, 2015, the Vendor's License can be obtained at the City of Sturgis Finance Office in person only.

SOUTH DAKOTA
DEPARTMENT OF REVENUE

1520 Haines Avenue, Suite 3
Rapid City, SD 57701
http://sd.gov/rally
PHONE (605) 394-2332
FAX (605) 394-6076

QUESTIONS AND ANSWERS FOR VENDORS
INCLUDES APPLICATION FOR THE SOUTH DAKOTA TEMPORARY SALES TAX LICENSE

QUESTIONS & ANSWERS FOR STURGIS® MOTORCYCLE RALLY™ EXHIBITORS

1. Do I need a sales tax license & how do I get one?

ALL concessionaires must obtain a temporary SD sales tax license for each business location, including Sturgis, Rapid City, Spearfish, Custer or any other cities in the Black Hills area. This also includes locations outside of city limits. Under no circumstances will any vendor be allowed to make any sales before being licensed.

To obtain the temporary license in advance of the rally contact the Rapid City office of the SD Department of Revenue at 605-394-2332. An application & information will also be available http://sd.gov/rally starting in April.

If you do not wish to obtain the license in advance you may contact Department of Revenue at Sturgis City Hall, 1040 Harley-Davidson Way, beginning July 28, 2015.

2. If I have a permanent SD tax license can I just report and pay my taxes on my permanent return form?

No, if you are in a temporary location, even if you have a permanent SD license, you must obtain a temporary license and pay your taxes to the Department of Revenue at Sturgis City Hall during the rally.

3. If I just sell or display motorcycles or trailers do I need a sales tax license?

Yes, all vendors need to display a temporary license card whether they owe tax or not. Vendors selling or displaying motorcycles, trailers, or other vehicles also need to obtain a Temporary Motor Vehicle Dealer permit. Some restrictions apply and there is a fee for this permit. Please see the application and information on the following pages for Temporary Manufacturer, Customizer or Dealer Permit.

4. How much does a license cost?

There is no cost for a license, but first time & poor reporting exhibitors will be required to post a bond before being licensed to sell merchandise, food or services at the rally. Bond amounts are at least $500.00 depending on the past history of the business. The department reserves the right to require a bond from any vendor.

5. Is the bond refundable?

Yes, once you have paid all of your taxes at the rally the bond is refunded. A refund check for the bond amount will be mailed to you after the rally.

6. Can I just deduct the amount of tax owed from the bond?

No. You must pay your taxes according to the filing schedule. A refund check for the bond amount will be mailed to you after the rally.

7. When and where do I pay my taxes?

Taxes are to be paid directly to the Department of Revenue at Sturgis City Hall during the week of the rally. If you are located in Rapid City or any city in the Southern Black Hills other arrangements may be made by the Department to pay the taxes.

8. Can I just pay on my last day?

No, vendors are required to pay according to a schedule of collection days. If they leave early they are to pay their final taxes before they leave. The bond is not refunded until the final taxes are paid.

Sales Tax Payment Days

First Payment Day – **REQUIRED** –
August 5 Hours 8am to 5pm

2nd Payment Day – **REQUIRED** –
(Final Report - Your Last Day)
August 8 & 9 Hours 9am to 5pm
August 10 Hours 9am to 3pm

9. What is the tax rate?

Items or Services (not including food):
Sturgis, Deadwood, Lead, Spearfish, Custer, Hill City, Whitewood, Keystone: 7.5%, Food is 8.5%
Rapid City: 7.5%, Food is 8.5%
Hot Springs: 7.5%, Food is 8.5%
Belle Fourche: 7.5%, Food is 8.5%
Newell: 7.5%, Food is 7.5%

If your business is located outside of city limits the rate is 5.5% for both food and general items and services.

10. Can I just get one license for all of my locations?

No, one license for EACH location is required. But only one bond will be required.

11. What kinds of records do I need to keep?

Inventory records, a daily cash sheet, cash register tapes, credit card receipts, bank deposit slips, purchase invoices, sales receipts and supplier lists. Revenue auditors may stop at your location to review your records.

SDCL 10-45-88 states that temporary vendors operating in South Dakota may be subjected to reviews without notice and shall have all records available at all times for review. The records that shall be available at all times include sales receipts, credit card receipts, cash register tapes, inventory sheets, and invoices from suppliers.

Failure to maintain records is a Class 1 misdemeanor and can result in the immediate revocation of the temporary license.

12. I am not selling anything, but am giving away free samples. Is this subject to sales tax?

Vendors should be aware of use tax that may be owed. A 6% use tax (4% outside of city limits) is applied to the purchase price of items such as catalogs, giveaways, and brochures that were purchased without sales tax. If sales tax has already been paid on these items, you will need to provide a copy of the invoice for documentation.

13. I am selling tobacco products. Do I need a special license?

If you plan on selling cigarettes or other tobacco products you should know that cigarettes must be purchased from a South Dakota distributor who must tax stamp each pack. It is illegal to sell cigarettes in SD that do not have the SD tax stamp. Sales tax is due on the selling price of cigarettes. Cigars and other tobacco products do not require the SD tax stamp, but if they are purchased from a non South Dakota distributor, you must pay the 35% tobacco products tax on the purchase price. Please contact the Department of Revenue Special Tax Division at 605-773-3311 for the proper form. Sales tax is due on the selling price of cigars and other tobacco products. If you will be giving away free tobacco products, you must pay the sales or use tax on the price of the product.

14. I have hired a professional promoter to help promote my business at the rally. Do I need a sales tax license?

Yes, all vendors need to display a temporary license card. In addition, the fee paid to the promoter for their service is subject to sales tax. If you are giving away promotional items, you will owe use tax on the purchase price of the promotional items. If sales tax has already been paid on these items, you will need to provide a copy of the invoice for documentation.

Revised 12/14	S t u	**Sturgis Rally Sales Tax Application** South Dakota Department of Revenue 1520 Haines Ave Ste 3 | Rapid City, SD 57701 | Phone: 605-394-2332 | Fax 605-394-6076

Instructions

You must complete this application whether you are displaying items, taking donations, holding a raffle, giving items away or selling items or services. This application is for ALL Locations including Sturgis, Rapid City, Custer, Spearfish, Deadwood etc. Please submit this form electronically or mail to the address above. For further assistance, visit us on the web at http://sd.gov/rally or call 605-394-2332.

Business Information

Owner Name	
Mailing Address	
City, State, Zip Code	If Mailed to Corporate Office, Attention To:
SSN/EIN	Business Phone
Home Phone	Cell Phone
Email Address	Web Address
SD Sales Tax License Number (Write "N/A" if you do not have a permanent SD License)	
BUSINESS NAME	
BUSINESS TYPE: Sole Proprietor Partnership Corporation LLC	
Location Address	City
Lot Rent	
Number of Employees	

Please print the address and city information for each business location: (You will need a license card for EACH location).

If more space is needed, please attach list of all locations

Date business will begin at the Rally.	Estimated Gross:
Will items be sold or displayed? [ ] Sold [ ] Displayed	
Type of items sold/displayed (be specific):	
Would like license (check one) [ ] Held at Revenue Office; or [ ] Mailed. All packets will be held after July 1.	

Signature Information

On-Site Contact's Name & Phone Number	
Name & Title of Person Completing this Application (Owner must complete a Power of Attorney form if representative/agent will be filing the tax returns.)	
OWNER'S SIGNATURE: **DATE:**	**TITLE:**

Bond Amount: Check #

*** BOND:** If you conducted business at last year's Sturgis Rally, filed and paid your taxes on time, you do NOT need to post a bond. **First year vendors must post a bond.** The department reserves the right to require a bond from any vendor. The minimum bond amount is $500.

Advanced Registration Deadline: July 1, 2015

If the temporary sales tax application is received after July 1, 2015, the vendor license will not be mailed back to the vendor. However, the application will be processed and the license can be picked up at the Sturgis Revenue office starting July 28, 2015

SALES TAX BOND CHART

A bond is to be paid by **FIRST TIME & POOR REPORTING** exhibitors ONLY. The department reserves the right to require a bond for any vendor.

Bonds may be paid with a check, money order or cash.

ITEM	BOND AMT
Food	$500
T-shirts	$500
Leather	$500
Motorcycle Parts	$500
Tattoo/Piercing Artist	$500 per artist
Pin Striping/Airbrushing	$500
Leather Repair	$500
Motorcycle Repair/Service	$500
Clothing (not T-shirts)	$500
Jewelry	$500
Artwork	$500
Sunglasses	$500
Parking	$500
Miscellaneous Sales & Service	$500

Businesses located outside city limits:

Any items or services	$500

Accounting or Reporting Firm Authorization Form/Responsible Party Temporary Licensee

South Dakota Department of Revenue
445 East Capitol Avenue * Pierre, South Dakota 57501-3100

Please fill out this form if you have an agent or representative Prepare your tax applications and returns for you.

Licensees are required to file returns/application and pay taxes/fees as they are owed. They are also required to accept and respond to various types of official communications with the Department of Revenue.
If a licensee prefers an agent or representative to fulfill these responsibilities, this authorization form must be completed. This is a privilege extended to the licensee which requires special handling by the Department, therefore, such action will not be considered unless this form is properly completed and placed on file with the Department. However, the completion of this form does not relieve the licensee of the legal obligations associated with a particular license. The licensee is ultimately responsible for the payment of the tax/fee as well as all acts and omissions of the stated Accounting or Reporting firm.

Power of Attorney

KNOW ALL MEN BY THE PRESENT, that the undersigned principal and licensee has made and appointed, and does hereby make and appoint (Firm's Name) _____
Or agents or employees, with the offices at (Mailing Address)_____
(Phone Number)_____ (E-mail)_____
to act as attorney-in-Fact for the undersigned, who makes this appointment either personally or in an authorized representative capacity on behalf of a principal partnership, corporation, or other entity; this power of attorney shall be limited to the following specific purposes involving the South Dakota license(s) indicated:

_____To prepare, sign and file applications with the Department of Revenue

_____To prepare, sign and file with the Department of Revenue periodic tax returns or reports as required by South Dakota law.

The power of Attorney shall be effective upon receipt thereof by the Department of Revenue and shall continue until cancelled by filing with the Department an instrument properly executed and reciting such cancellations;

_____
Month/day/year

Sales Tax License(s) Tax License Number(s) if previously assigned (if applicable):

Agent or Representative:
Company Name _____
FEIN or SS# _____
Signature of Owner/Legal Rep _____
Title _____
Address—Mailing _____
City/State _____
Phone Number_____

Principle and Licensee By:
Company Name _____
FEIN or SS# _____
Signature of Owner/Legal Rep _____
Title _____
Address—Mailing _____
City/State _____
Phone Number_____

IN WITNESS WHEROF, the undersigned has caused these present to be execute, for benefit of the principal name below.
State of_____)
:ss.
County of_____)
On this_____day of_____, before the undersigned, a Notary of the Public for the State of _____personally appeared_____known to be the person whose name is subscribed to the within instrument, and acknowledge to me that__he executed the same in capacity as shown.

IN WITNESS WHEREOF, I have set my hand and seal this_____day of_____, this certificate above written.

_____
Notary Public
My Commission Expires:_____

CITY OF STURGIS
TITLE 11
HEALTH AND SANITATION

The following are excerpts from the complete ordinances, to find complete and most updated Title 31 Ordinance, click on the link: http://www.sturgis-sd.gov/ArchiveCenter/ViewFile/Item/94

11.01.02: DEFINITIONS (Excerpts From)

BODY PIERCING: Placement of a permanent or temporary foreign object in a person's body such as ears, nose, lips, genitals, nipples, or parts thereof for decorative or other non-medical purpose by a person not directly under the supervision of a licensed physician.

BODY PIERCING AREA: Within a body piercing establishment, the immediate vicinity where body piercing is performed.

BODY PIERCING ARTIST: An adult (not a minor) who engages in the practice of body piercing.

BODY PIERCING ESTABLISHMENT: The building or structure where body piercing is practiced.

COMMUNICABLE DISEASE: A disease which is capable of being transmitted from person to person.

MINOR: A person who is under the age of eighteen (18) years.

PERMANENT BODY PIERCING ESTABLISHMENT: A building where body piercing is practiced on a year-round basis exceeding thirty (30) consecutive days in a calendar year.

SHARPS: Needles, punches, or any other single use item for piercing skin.

TEMPORARY BODY PIERCING ESTABLISHMENT: A building or structure where body piercing is practiced for not more than thirty (30) consecutive days in a calendar year.

CHAPTER 11.06
REGULATION OF TATTOO PARLORS

SECTIONS:
11.06.01: Vendor's License Required for Temporary Business
11.06.02: Adoption of State Statutes and Regulations

11.06.01: VENDOR'S LICENSE REQUIRED FOR TEMPORARY BUSINESS
No person shall operate or maintain a temporary place of business or tattoo parlor which performs tattooing on the human body in the City without having first applied for and received a vendor's license from the Finance Office. Any person that operates a tattoo parlor or who provides tattoos shall first obtain the required Sturgis business license as provided for in title 18 and Title 31 of Sturgis City Ordinances and be in compliance with all the requirements set forth in Section 11.06.02.

11.06.02: ADOPTION OF STATE STATUTES AND REGULATIONS
The standards set forth in SDCL 9-34-17 and ARSD 44-12-01 shall constitute the standards for tattooing in the City.

CITY OF STURGIS

Chapter 11.07

REGULATION OF BODY PIERCING ESTABLISHMENTS

SECTIONS:
11.07.01: Permit Required
11.07.02: Adoption of State Statute and Regulations
11.07.03: Assistance of Department of Health

11.07.01: PERMIT REQUIRED
No person shall operate or maintain a temporary or permanent place of business which performs body piercing on the human body in the City without first having applied for and received a Sturgis business license as required by Title 18 and Title 31 of Sturgis City Ordinances and be in compliance with all the requirements set forth in Section 11.06.02.

11.07.02: ADOPTION OF STATE STATUTES AND REGULATIONS
The standards set forth in SDCL 9-34-17 and ARSD 44-12-02 shall constitute the standards for body piercing within the City of Sturgis.

11.07.03: ASSISTANCE OF DEPARTMENT OF HEALTH
The City may enlist the assistance of the South Dakota Department of Health to ensure that all provisions of this Chapter are being followed.

STATE OF SOUTH DAKOTA

Article 44:12
January 8, 2013 Administration Rules

TATTOOING AND BODY PIERCING

Chapter
44:12:01 Minimum sanitation standards for tattooing.
44:12:02 Minimum sanitation standards for body piercing.
Appendix A Sanitizing solutions.
Appendix B Environmental cleaning solutions.

CHAPTER 44:12:01
MINIMUM SANITATION STANDARDS FOR TATTOOING

Section
44:12:01:01 Definitions.
44:12:01:02 Applicability.
44:12:01:03 Tattoo establishments -- General provisions.
44:12:01:04 Tattoo establishments -- Hand washing facility required.
44:12:01:05 Tattoo establishments -- Toilet facilities.
44:12:01:06 Tattoo establishments -- General-use equipment.
44:12:01:07 Tattoo establishments -- Animals prohibited -- Restricted activities.
44:12:01:08 Tattoo establishments -- Maintenance.
44:12:01:09 Tattoo establishments -- Inspection.
44:12:01:10 Required equipment for tattoo establishments.
44:12:01:11 Required equipment for tattoo artists -- Reusable equipment.
44:12:01:11.01 Required equipment for tattoo artists -- Single use disposable equipment.
44:12:01:12 Tattoo artist -- Restricted activities.
44:12:01:13 Tattoo artist -- Patrons restricted -- Notice posted.
44:12:01:14 Communicable disease reporting.
44:12:01:15 Record of patrons.

44:12:01:16 Sterilization methods.
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44:12:01:01. Definitions. The terms used in this chapter mean:

(1) "Autoclave," a device for sterilization by steam, usually at 250 degrees Fahrenheit, for a specified length of time as determined by the manufacturer's instructions;

(2) "Communicable disease," a disease which is capable of being transmitted from person to person;

(3) "Department" the state Department of Health;

(4) "Disposable setup," a setup that consists of one liner tube, one shade tube, and a needle bar setup for the liner tube and the shade tube;

(5) "Minor," a person who is under the age of 18 years;

(6) "Patron," a person who receives a tattoo;

(7) "Permanent tattoo establishment," a building where tattooing is practiced on a year-round basis;

(8) "Tattoo artist," a person engaged in the practice of tattooing;

(9) "Tattoo establishment," the building or structure where tattooing is practiced;

(10) "Tattooing," to puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs;

(11) "Tattooing area," within a tattoo establishment, the immediate vicinity where tattooing is performed;

(12) "Temporary tattoo establishment," a building or structure where tattooing is practiced for not more than 30 days.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:02. Applicability. The standards in this article apply to both temporary and permanent tattoo establishments.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:03. Tattoo establishments -- General provisions. A tattoo establishment shall be a minimum of 60 square feet for one tattoo artist and 40 square feet for each additional artist. A tattoo establishment shall be enclosed and physically separated by solid partitions at least seven feet high or walls extending from floor to ceiling from facilities used for practices other than tattooing and body piercing. Floors and walls of the tattooing area shall be smooth, easily cleanable, nonabsorbent, and in good repair. Ceilings above the tattooing area shall be smooth, easily cleanable, and in good repair. A minimum of 30 foot-candles of light shall be provided for applying the tattoo and a minimum of 10 foot-candles for general lighting.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:04. Tattoo establishments -- Hand washing facility required. An easily accessible hand washing facility supplied with warm, potable, running water shall be provided in or directly adjacent to the tattooing area. Each hand washing facility shall be provided with liquid soap and single-use paper towels or a commercial hand dryer.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 18, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:05. Tattoo establishments -- Toilet facilities. Toilet facilities must be available for employee or patron use.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:06. Tattoo establishments -- General-use equipment. Tables, chairs, and other general-use equipment must be constructed of plastic, metal with enamel or porcelain coating, or stainless steel. General -use equipment must be maintained in an easily cleanable condition. Covered waste containers with single-use plastic liners must be provided.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:07. Tattoo establishments -- Animals prohibited -- Restricted activities. Animals other than service animals are prohibited in tattoo establishments. Smoking, eating, and drinking are prohibited within 10 feet of the tattooing area. No tattoo establishment may be used for any activity that is not directly associated with the practice of tattooing or body piercing.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:08. Tattoo establishments -- Maintenance. A tattoo establishment must be maintained in a clean, sanitary, vermin-free condition and in good repair.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:09. Tattoo establishments -- Inspection. A tattoo establishment must be inspected at least annually to determine compliance with this chapter.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:10. Required equipment for tattoo establishments. A tattoo establishment shall be equipped with a steam pressure autoclave capable of producing 15 pounds of pressure per square inch for the time specified in the manufacturer's user manual. The autoclave shall have an internal heat source, a temperature gauge with a sensor for the exhaust, a pressure gauge, and an operational safety valve. If the establishment uses only single use, pre-sterilized, disposable instruments and products, an autoclave is not required.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:11. Required equipment for tattoo artists -- Reusable equipment. A tattoo artist using reusable equipment shall have the following equipment:

(1) Twenty-five liner tubes of whatever style and design preferred in sealed sterile envelopes;
(2) Twenty-five shader tubes of whatever style and design preferred in sealed sterile envelopes;
(3) Fifty needle bar setups with needles attached in sealed sterile envelopes;
(4) Five hundred disposable pigment containers;
(5) Three hundred disposable latex or vinyl examination gloves;
(6) One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
(7) Access to the applicable sterilization and sanitization measures in this chapter;
(8) Closed dustproof containers for the exclusive storage of instruments, dyes, pigments, stencils, and other equipment;
(9) Gauze and bandages; and
(10) Autoclave.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.

General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:11.01. Required equipment for tattoo artists -- Single use disposable equipment. A tattoo artist using disposable equipment shall have the following equipment:

(1) Two hundred and fifty disposable setups for temporary tattoo establishments;
(2) One hundred disposable setups for a permanent establishment;
(3) Five hundred disposable pigment containers;
(4) Three hundred disposable latex or vinyl examination gloves;
(5) One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
(6) Access to the applicable sterilization and sanitization measures in this chapter;
(7) Closed dustproof containers for the exclusive storage of instruments, dyes, pigments, stencils, and other equipment; and
(8) Gauze and bandages.

All single-use products used shall be discarded after they are used.

Source: 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:12. Tattoo artist -- Restricted activities. A tattoo artist may not engage in the practice of tattooing while under the influence of alcohol or other mind-altering drugs. A minor is prohibited from the practice of tattooing. A tattoo artist shall take precautions to prevent disease transmission to the patron. The skin of the tattoo artist shall be free of rash or infection. No person or artist affected with a boil, infected wound, open sore, abrasion, weeping skin lesion, or acute respiratory infection shall work in an area of a tattoo establishment in which there is a likelihood of contaminating equipment, supplies, or working surfaces. A tattoo artist shall wear clean, laundered clothing and shall wear a clean outer garment or cover up while tattooing.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:13. Tattoo artist -- Patrons restricted -- Notice posted. A tattoo artist may not tattoo a patron without first obtaining a signed consent. A tattoo artist may not tattoo a patron with evident skin lesion or skin infection or who is known or suspected to have an infectious or contagious disease in a communicable stage. No tattoo artist may tattoo a patron who is under the influence of alcohol or other mind-altering drugs.

A minor may not be tattooed unless the minor's parents or legal guardian have signed a consent form authorizing the tattoo.

A tattoo artist shall conspicuously post a notice stating that it is illegal to tattoo any person under the age of 18 without the parents' or legal guardian's signed consent.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Tattooing minor without parental consent as misdemeanor, SDCL 26-10-19.

44:12:01:14. Communicable disease reporting. A tattoo artist shall report within three days to the department any known or suspected communicable disease associated with the practice of tattooing. A report may be filed during normal business hours by a toll-free report line at 1-800-592-1861 or 605-773-3737; by a confidential answering device at 1-800-592-1804; by a fax at 605-773-5509; or by a secure website at https://apps.sd.gov/applications/PH93Morbidity/secure/index.asp. A report may be filed after normal business hours for a Category I disease by calling 605-773-3737 or 1-800-592-1861.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Mandatory communicable disease reports from physicians, laboratories and institutions -- State tuberculosis register -- Surveillance and control -- Adoption of rules, SDCL 34-22-12.

44:12:01:15. Record of patrons. A tattoo artist shall keep a record of each patron which includes name, address, age, consent form, the locations, and description of tattoos. This record shall be available for inspection and kept for a period of at least two years.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:16. Sterilization methods. Equipment requiring sterilization shall be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch at a temperature of 250 degrees Fahrenheit in an autoclave for the length of time as instructed in the manufacturer's operational manual. This shall be certified by a chemical indicator which is attached to the autoclave bag and turns color when the required temperature has been reached. A tattoo establishment owner or operator shall provide lab result slips that state that each autoclave has been bacteriologically tested monthly with commercially prepared packets of *Bacillus stearothermophilus* or another *Bacillus* species and has passed the test. These lab result slips shall be available for inspection and kept for at least one year. Dry heat is not an acceptable method of sterilization for the purpose of this article.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:17. Sterile equipment -- Packaging and storage. All sterile equipment and supplies shall be stored in a closed dustproof container in such a manner as to prevent being contaminated. All needles and tubes shall be packaged prior to autoclaving either individually or in quantities for individual tattoos. Autoclave packages shall be constructed so that the contents are visible without opening the package. Autoclave packages containing equipment that has been autoclaved shall be dated with an expiration date. The expiration date may not exceed 30 days from the date autoclaved. Sterile equipment may not be used after the expiration date without being resterilized. Commercially available individually packaged sterilized equipment may be used within the manufacturer's expiration date.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.

General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:18. Needle construction -- Sterilization required. All needles must be either stainless steel or nickel-plated carbon steel. Needles may be soldered to stainless steel bars using a silver-bearing solder. Lead-bearing solder may not be used in this process. Needles are a single-service item and must be thoroughly cleaned and sterilized between patrons. Rusty or faulty needles may not be used for tattooing.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:19. Tube construction -- Sterilization required. Each reusable tube, including the grips on the tube, shall be either stainless steel, nickel-plated carbon steel, or Lexan. The grips may also be constructed of anodized aluminum. Lead-bearing solder may not be used in the construction of the tube. Each tube shall be thoroughly cleaned and sterilized between patrons.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:20. Tattoo machine sanitization. A tattoo machine shall be stored in a manner that prevents contamination. The open end of the tattoo machine shall be cleaned and sanitized with an approved sanitizer before each use. See Appendix B at the end of this article for a listing of approved sanitizing solutions.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:21. Razor requirements. Razors must be disposable single-use-only. Single-use razors may be used for one patron only and must then be discarded.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:22. General-use equipment -- Sanitization required. All surfaces, counters, and general-use equipment in the tattooing area must be cleaned and sanitized before a patron is seated. See Appendix B at the end of this article for a listing of approved sanitizing solutions.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:23. Linen cleaning and storage. Cloth towels, robes, and similar items used in conjunction with tattooing must be laundered in a washing machine with hot water, laundry detergent, and chlorine bleach between uses. A closed dustproof container must be provided for the storage of clean towels and linen. A

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:24. Hygienic practices -- Gloves required. A tattoo artist shall use antiseptic techniques at all times in the practice of tattooing. A tattoo artist shall scrub hands with liquid soap and water thoroughly before beginning preparation to tattoo. Hands shall be dried with individual single-use towels or a commercial hand dryer. At all times when preparing the skin and while applying the actual tattoo, the tattoo artist shall wear latex or vinyl examination gloves, which shall be discarded upon completion of the tattoo. A tattoo artist shall discard the gloves the artist is wearing, rewash hands, and put on new gloves after an interruption in the tattoo process which requires use of the artist's hands.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:25. Skin preparation. The skin area to be tattooed must be shaved if needed and must be washed with germicidal soap and water, rinsed, dried, and washed again with 70 percent isopropyl alcohol. A single-use gauze pad or tissue may be used for washing the skin. All single-use products used must be discarded after they are used.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:26. Pigment requirements. All pigments must be nontoxic and antiseptic. All pigments which are in a dry form must be suspended in a solution of isopropyl alcohol, distilled water, or witch hazel with only nontoxic and antiseptic additives. Pigments must be dispensed from a main plastic container with a sealable top which allows a single-service portion of the pigment to be dispensed into a single-use container. All pigment dispensed and the material into which it has been dispensed must be immediately discarded upon completion of the tattoo.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:27. Design layout. The methods in this section are approved for the design layout of the tattoo on the skin. In the first method, the tattoo artist sketches the design directly onto the skin with nontoxic ink to serve as a guideline for the actual tattoo. In the second method, the tattoo artist makes a stencil using nontoxic ink on tracing paper and transfers the design to the skin by spraying germicidal soap and distilled water directly onto the area to be tattooed and laying the stencil over the sprayed area.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:28. Tattoo application. Before tattooing the design on the patron's skin, the tattoo artist shall apply a thin coating of a petroleum jelly or antibacterial ointment over the area to be tattooed. This shall be applied with cotton swabs, gauze, or wooden tongue depressors which shall immediately be discarded. This application may not be directly spread with an ungloved hand.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:29. Changing pigments. When changing pigments, a tattoo artist may use a solution of germicidal soap and water or an ultrasonic cleaner to rinse the needle and tube if the needle and tube are used on the same patron. Ultrasonic cleaner solutions and solution containers and covers must be discarded between patrons.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:30. Washing of excess pigment. Washing of excess pigment from the skin during the tattoo process must be done with single-use gauze pads or tissue with a solution of germicidal soap and distilled water.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:31. Use of styptics. Styptics, if used to arrest bleeding, may be used only in liquid or powder form and must be applied with cotton swabs or gauze which is immediately discarded.

Source: 19 SDR 64, effective November 3, 1992.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:32. Use of antibacterial ointment required -- Care instructions. Upon completion of the tattoo, a tattoo artist shall apply an antibacterial ointment to the tattoo with a single-use cotton swab, gauze pad, or wooden tongue depressor which shall be immediately discarded. After application of the antibacterial ointment, the tattoo artist shall apply a clean bandage. The tattoo artist shall provide written instructions regarding the proper care and precautions for a new tattoo to each patron. Care instructions shall include the following recommendations:

(1) Remove the bandage after 24 hours;
(2) Wash tattoo gently with mild soap and water and pat dry;
(3) Apply an antibacterial ointment at least twice daily;
(4) Avoid exposing the tattoo to direct sunlight for two weeks;
(5) Avoid swimming or soaking of the tattoo until healed;
(6) Avoid scratching or picking of the tattoo; and
(7) If redness or swelling develops, contact your doctor.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:33. Storage of soiled equipment. Upon completion of a tattoo, a tattoo artist shall immerse reusable needles and tubes used for the tattoo in an effective sanitizing solution, as identified in Appendix A at the end of this article, until they can be cleaned and sterilized.

Source: 19 SDR 64, effective November 3, 1992; 38 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:34. Disposal of contaminated products. Gauze, cotton swabs, or other single use products that are contaminated with body fluids shall be disposed of in impervious double plastic bags that are securely sealed. When needles, tubes, single use products, or other multiple use products used in conjunction with the practice of tattooing are disposed of, they shall be sterilized and placed in an impervious rigid container that is securely sealed.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:01:35. Inspection fees. A municipality that requests that the department conduct inspections of tattoo establishments shall remit $150 to the department for each inspection conducted. If the department conducts multiple inspections during a special event, the fee is $100 for each inspection conducted.

A municipality shall make any request for inspections in writing.

Source: 19 SDR 64, effective November 3, 1992; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-16.1, 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-16.1, 34-1-17(8).

CHAPTER 44:12:02
MINIMUM SANITATION STANDARDS FOR BODY PIERCING

Section

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44:12:02:31 Disposal of contaminated products.
44:12:02:32 Inspection fees.

44:12:02:01. Definitions. The terms used in this chapter mean:

(1) "Autoclave," a device for sterilization by steam, usually at 250 degrees Fahrenheit for a specified length of time as determined by the manufacturer's instructions;

(2) "Body piercing," the placing of a permanent or temporary foreign object in a person's body, such as ears, nose, lips, genitals, nipples, or parts thereof, for a decorative or other nonmedical purpose by a person not directly under the supervision of a licensed physician as defined by SDCL 36-4-11; the site or location, on the patron, of the body piercing;

(3) "Body piercing area," within a body piercing establishment, the immediate vicinity where body piercing is performed;

(4) "Body piercing artist," a person engaged in the practice of body piercing;

(5) "Body piercing establishment," the building or structure where body piercing is practiced;

(6) "Communicable disease," a disease which is capable of being transmitted from person to person;

(7) "Department," the State Department of Health;

(8) "Patron," a person who receives a body piercing;

(9) "Permanent body piercing establishment," a building where body piercing is practiced on a year-round basis;

(10) "Temporary body piercing establishment," a building or structure where body piercing is practiced for not more than 30 consecutive days.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:02. Applicability. The standards in this article apply to both temporary and permanent body piercing establishments.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:03. General provisions. A body piercing establishment shall be a minimum of 60 square feet for one body piercing artist plus 40 square feet for each additional artist. A body piercing establishment shall be enclosed and physically separated by solid partitions at least seven feet high or walls extending from floor to ceiling from facilities used for practices other than body piercing or tattooing. Floors and walls of the body piercing area shall be smooth, easily cleanable, nonabsorbent, and in good repair. Ceilings above the body piercing area shall be smooth, easily cleanable, and in good repair. A minimum of 30 foot-candles of light shall be provided for administering the body piercing and a minimum of 10 foot-candles for general lighting.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:04. Hand washing facilities. An easily accessible hand washing facility supplied with warm, potable, running water shall be provided in or immediately adjacent to the body piercing area. Each hand washing facility shall be provided with liquid soap and single-use paper towels or a commercial hand dryer.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:05. Toilet facilities. Toilet facilities must be available for employee or patron use.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:06. General-use equipment. Tables, chairs, and other general-use equipment must be constructed of plastic, metal with enamel or porcelain coating, or stainless steel. General-use equipment must be maintained in an easily cleanable condition. Covered waste containers with single-use plastic liners must be provided.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:07. Animals prohibited -- Restricted activities. Animals other than service animals are prohibited in body piercing establishments. Smoking, eating, and drinking are prohibited within 10 feet of the body piercing area. No body piercing establishment may be used for any activity that is not directly associated with the practice of body piercing or tattooing.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:08. Maintenance of establishment. A body piercing establishment must be maintained in good repair and be clean, sanitary, and vermin-free.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:09. Inspection. A body piercing establishment must be inspected at least annually to determine compliance with this chapter.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:10. Record of patrons. A body piercing artist shall keep a record of each patron which includes name, address, age, consent form with medical inquiry, and the locations and description of body piercing. This record must be available for inspection and kept for at least two years.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:10.01. Required equipment for body piercing establishments. A body piercing establishment shall be equipped with a steam pressure autoclave capable of producing 15 pounds of pressure per square inch, at a temperature of 250 degrees Fahrenheit and the length of time per the manufacturer's instruction manual. The autoclave shall have an internal heat source, a temperature gauge with a sensor for the exhaust, a pressure gauge, and an operational safety valve. If the body piercing establishment uses only single use, pre-sterilized, disposable instruments and products, an autoclave is not required.

Source: 39 SDR 119, effective January 8, 2013.
General Authority: 34-1-17(8).
Law Implemented: 9-34-17, 34-1-17(8).

44:12:02:11. Required equipment -- Reusable equipment. A body piercing artist shall have the following minimum equipment:

(1) Twenty-five disposable single-use needles of each size used in sealed sterile envelopes;
(2) Twenty-five forceps in sealed sterile envelopes ;
(3) Two hundred cotton swabs in sealed containers;
(4) Two hundred disposable cups;
(5) Three hundred disposable latex or vinyl examination gloves;
(6) One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
(7) Access to the applicable sterilization and sanitization measures as required in this chapter;
(8) Closed dustproof containers for the exclusive storage of instruments and other equipment;
(9) Gauze and bandages; and
(10) Autoclave.

Each single-use product shall be used only once and shall then be discarded.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:11.01. Required equipment -- Single use disposable equipment. A body piercing artist shall have the following equipment:

(1) Two hundred and fifty disposable single-use needles of each size used in sealed sterile envelopes for temporary establishments;
(2) One hundred disposable single-use needles of each size used in sealed sterile envelopes for permanent establishments;
(3) Two hundred and fifty single-use forceps in sealed sterile envelopes for temporary establishments;
(4) One hundred single-use forceps in sealed sterile envelopes for permanent establishments;
(5) Two hundred cotton swabs in sealed containers;
(6) Two hundred disposable cups;
(7) Three hundred disposable latex or vinyl examination gloves;
(8) One gallon each of germicidal soap, isopropyl alcohol, and distilled water for prepping skin;
(9) Access to the applicable sterilization and sanitization measures as required in this chapter;
(10) Closed dustproof containers for the exclusive storage of instruments and other equipment; and
(11) Gauze and bandages.

Each single-use product may be used only once and shall then be discarded.

Source: 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:12. Control of infectious disease. A body piercing artist shall take precautions to prevent disease transmission to the patron. The skin of the body piercing artist shall be free of rash or infection. No person or artist affected with a boil, infected wound, open sore, abrasion, weeping dermatological lesion, or acute respiratory infection shall work in an area of a body piercing establishment in any capacity in which there is a likelihood of contaminating equipment, supplies, or working surfaces. A body piercing artist shall wear clean, laundered clothing and shall wear a clean outer garment or cover up during the body piercing.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:13. Consent of patron required. A body piercing artist may not pierce the body of a patron without first obtaining a signed consent. A body piercing artist may not pierce the body of a patron with an evident skin lesion or skin infection or who is known or suspected to have an infectious or contagious disease in a communicable state. The consent form shall request information about medical problems that can cause the patron difficulty afterwards, e.g., diabetes, allergic reaction to certain metals or medications, hemophilia, blood clotting problems, or use of anticoagulation medications which may cause bleeding problems. A body piercing artist may not pierce the body of a patron who is under the influence of alcohol or other mind-altering drugs.

A minor may not be pierced unless the minor's parents or legal guardian have signed a consent form authorizing the body piercing.

A body piercing artist shall conspicuously post a notice stating that it is illegal to pierce any person under the age of 18 without the parents' or legal guardian's signed consent.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:14. Communicable disease reporting. A body piercing artist shall report within three days to the department any known or suspected communicable disease associated with the practice of body piercing. A body piercing artist shall consult with the artist's medical provider or the department for medical management of any needle-stick injuries. A report may be filed during normal business hours by a toll-free report line at 1-800-592-1861 or 605-773-3737; by a confidential answering device at 1-800-592-1804; by a fax at 605-773-5509; or by a secure website at https://apps.sd.gov/applications/PH93Morbidity/secure/index.asp. A report may be filed after normal business hours for a Category I disease by calling 605-773-3737 or 1-800-592-1861.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Mandatory communicable disease reporting from physicians, laboratories and institutions -- State tuberculosis register -- Surveillance and control -- Adoption of rules, SDCL 34-22-12.

44:12:02:14.01. Record of patrons. An artist shall keep a record of each patron which includes name, address, age, consent form with medical inquiry, the locations, and description of piercings. This record shall be available for inspection and kept for a period of at least two years.

Source: 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:15. Equipment requiring sterilization. Any body piercing equipment, such as forceps, insertion tapers, or needle holders, that is used by more than one patron must be sterilized after each use.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:16. Needle construction -- Sterilization required. All needles must be either stainless steel or nickel-plated carbon steel. Needles must be individually packaged and autoclaved before use. Needles are single-use items and once used must be disposed of.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:17. Sterilization methods. Equipment requiring sterilization shall be sterilized by using the method of steam pressure sterilization with at least 15 pounds of pressure per square inch at a

temperature of 250 degrees Fahrenheit in an autoclave for the length of time instructed in the manufacturer's operational manual. This shall be certified by a chemical indicator which is attached to the autoclave bag and turns color when the required temperature has been reached. The owner or operator of the body piercing establishment shall provide lab result slips that state that each autoclave has been bacteriologically tested monthly with commercially prepared packets of *Bacillus stearothermophilus* or another *Bacillus* species and has passed the test. These lab result slips shall be kept for at least one year. Dry heat is not an acceptable method of sterilization for the purpose of this article.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:18. Sterile equipment -- Packaging and storage. All sterile equipment and supplies shall be stored in a closed dustproof container in a manner that prevents contamination. All needles and jewelry shall be individually packaged before autoclaving. Autoclave packages shall be constructed so that contents are visible without opening the package. Autoclave packages containing equipment that has been autoclaved shall be marked with an expiration date. The expiration date may not exceed 30 days from the date autoclaved. Sterile equipment may not be used after the expiration date without being resterilized. Commercially available individually packaged sterilized equipment may be used within the manufacturer's expiration date.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:19. Razor requirements. A razor may be used for one patron only and must then be discarded.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:20. General-use equipment -- Sanitization required. All surfaces, counters, and general-use equipment in the body piercing area must be cleaned and sanitized before a patron is seated. To ensure a sterile operating field, a sterile disposable paper sheet or drape must be used. Drapes must be moisture resistant. The top surface of the drape is considered a sterile area and edges are not. Only sterile items may be placed on the sterile field. See Appendix B at the end of this article for a list of approved environmental cleaning solutions.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:21. Linen cleaning and storage. Cloth towels, robes, and similar items used in conjunction with body piercing must be laundered in a washing machine with hot water, laundry detergent, and chlorine bleach between uses. A closed, dustproof container must be provided for the storage of clean towels and linen. A hamper or similar container must be provided for the storage of soiled towels and linen.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:22. Hygienic practices -- Gloves required. A body piercing artist shall use antiseptic techniques at all times during the practice of body piercing. A body piercing artist shall thoroughly scrub the hands with liquid soap and water before beginning preparation for body piercing. Hands shall be dried with individual single-use towels or a commercial hand dryer. At all times when preparing the skin and while conducting the actual body piercing, the body piercing artist shall wear latex or vinyl examination gloves which shall be discarded upon completion of the body piercing. If there is an interruption in the body piercing process that requires the use of the body piercing artist's hands, the body piercing artist shall remove the gloves, rewash the hands, and put on new gloves.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:23. Skin preparation. The skin area to be body pierced must be shaved, if needed, and must be washed with germicidal soap and water, rinsed, and dried. A single-use gauze pad or tissue may be used for washing the skin. Before body piercing the patron's skin, the body piercing artist must apply 70 percent isopropyl alcohol to the area to be pierced. This must be applied with cotton swabs or gauze. The cotton swabs or gauze may not be reused.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Care instructions for oral piercing, § 44:12:02:27.

44:12:02:24. Use of styptics. Styptics, if used to arrest bleeding, may be used only in liquid or powder form and must be applied with single use cotton swabs or gauze.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Care instructions for oral piercing, § 44:12:02:27.

44:12:02:25. Jewelry preparation. Jewelry or an insertion taper that has been autoclaved and never worn must be placed in a medical antibacterial prep soak for ten minutes and dried thoroughly before insertion. Jewelry previously worn by the patron must be soaked in a medical antibacterial prep soak for ten minutes in a separate container that is disposed of or sterilized immediately after the service. Jewelry worn by a
person other than the patron must be cleaned and autoclaved before insertion.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:26. Care instructions for body piercing. Upon completion of the body piercing, a body piercing artist must apply an antibacterial cleaner to the body piercing with a single-use cotton swab or gauze pad. The body piercing artist must provide each new patron written instructions regarding the

proper care and precautions for a body piercing. Care instructions must include the following minimum recommendations:

(1) Wash the body piercing gently with mild soap and water and pat dry;
(2) Apply an antibacterial cleaner at least twice daily;
(3) Avoid swimming or soaking of the body piercing until healed;
(4) Avoid scratching, picking, or touching of the body piercing;
(5) If redness or swelling develops, contact your doctor.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Care instructions for oral piercing, § 44:12:02:27.

44:12:02:27. Care instructions for oral piercing. The patron of oral piercing shall rinse the mouth with an antibacterial mouthwash containing no sugar or alcohol or with a hydrogen peroxide solution before the procedure. The body piercing artist shall provide written instructions regarding the proper care and precautions for a new oral body piercing to each patron. Care instructions shall include the following recommendations:

(1) Rinse the mouth twice a day with an antibacterial mouthwash containing no sugar or alcohol. The mouthwash may be diluted up to 75 percent to reduce irritation. Continue rinsing for the duration of the healing process;

(2) Avoid placing anything other than food in the mouth, including cigarettes, fingers, and gum;

(3) Eat and drink only for nutritional needs until healed; and

(4) If excessive swelling or pain develops, contact your doctor.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:28. Ear piercing. If ear piercing is conducted using individually packaged sterilized studs that are inserted using a commercial ear piercing gun and no other form of body piercing is provided, the body piercing artist is required only to notify in writing the municipality in which the ear piercing is conducted. If the ear piercing gun is reused, it must be cleaned between patrons with one of the products from Appendix A at the end of this article.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:29. Use of ear piercing gun. An ear piercing gun may only be used to apply studs in a patron's ears, following manufacturer's instructions. The use of an ear piercing gun to apply a stud or any other
jewelry to other areas of the body is prohibited.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).

Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:30. Storage of soiled equipment. Upon completion of a body piercing, a body piercing artist must immerse any reusable equipment in a sanitizing solution, as identified in Appendix A at the end of this article, until it can be cleaned and sterilized.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

44:12:02:31. Disposal of contaminated products. Gauze, cotton swabs, or other single-use products which are contaminated with body fluids must be disposed of in impervious double plastic bags which are securely sealed. The trash container used to hold these bags must be constructed of a durable, nonabsorbent, easily cleanable material and be provided with a tight-fitting lid. When needles or multiple use products used in conjunction with the practice of body piercing are disposed of, they must be autoclaved and placed in an impervious rigid container which is securely sealed.

Source: 22 SDR 16, effective August 14, 1995.
General Authority: SDCL 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-17(8).

Cross-Reference: Disposal of medical wastes, ch 74:35:01.

44:12:02:32. Inspection fees. A municipality that requests the department to conduct inspections of body piercing establishments shall remit $150 to the department for each inspection conducted. If the department conducts multiple inspections during a special event, the fee is $100 for each inspection conducted.

A municipality shall make any request for inspections in writing.

Source: 22 SDR 16, effective August 14, 1995; 39 SDR 119, effective January 8, 2013.
General Authority: SDCL 34-1-16.1, 34-1-17(8).
Law Implemented: SDCL 9-34-17, 34-1-16.1, 34-1-17(8).

DEPARTMENT OF HEALTH

APPENDIX A

TO

ARTICLE 44:12

SANITIZING SOLUTIONS

SEE: §§ 44:12:01:33, 44:12:02:28, and 44:12:02:30

Source: 19 SDR 64, effective November 3, 1992; 22 SDR 16, effective August 14, 1995.

APPENDIX A
TO
ARTICLE 44:12

SANITIZING SOLUTIONS

The following methods are approved for immersion of soiled equipment, such as instruments, needles, and tubes prior to cleaning and sterilization:

(1) Immersion in glutaraldehyde 2% solution mixed according to manufacturer's instruction. Minimum contact time is 10 minutes. Thorough rinsing of equipment is required after use. Solution may cause chemical burns on the skin. Wear gloves.

(2) Immersion in a 500 ppm solution of chlorine. This requires a 1:100 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 2 teaspoons bleach per quart of water. A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily and may corrode metal instruments.

(3) Immersion in a solution of 70% isopropyl alcohol for a minimum of 10 minutes. Flammable. Use and store in a cool, well-ventilated area.

(4) Immersion in a phenolic germicidal detergent solution for a minimum of 10 minutes. Mix according to the manufacturer's instruction.

(5) Immersion in an iodophor germicidal detergent solution formulated as a disinfectant. Minimum contact time is 10 minutes. May stain instruments.

NOTE: After immersion in any of these solutions, instruments, needles, tubes, or similar equipment must be thoroughly cleaned, rinsed with warm water, dried thoroughly, and individually packaged for sterilization as described in § 44:12:02:18.

DEPARTMENT OF HEALTH

APPENDIX B

TO

ARTICLE 44:12

ENVIRONMENTAL CLEANING SOLUTIONS

SEE: §§ 44:12:01:20, 44:12:01:22, and 44:12:02:20

Source: 19 SDR 64, effective November 3, 1992; 22 SDR 16, effective August 14, 1995.

APPENDIX B
TO
ARTICLE 44:12

ENVIRONMENTAL CLEANING SOLUTIONS

The following methods are approved for cleaning of environmental surfaces such as counter tops, floors, walls, chairs, and the open end of tattoo machines:

(1) Application of a quaternary ammonium germicidal detergent solution. Benzalkonium chloride is not acceptable. Dilutions must be according to the manufacturer's instructions.

(2) Application of phenolic germicidal detergent solution mixed according to the manufacturer's instruction. May cause skin irritation.

(3) Application of 100 ppm solution of chlorine. This requires a 1:500 dilution of 5.25% sodium hypochlorite (bleach) which is equivalent to 1/2 teaspoon bleach per quart of water. A minimum contact time of 10 minutes is required to be effective. This solution must be mixed fresh daily.

NOTE: If using spray bottles for application of these solutions, the following procedure must be followed: Each time the bottle needs refilling, any remaining old solution must be discarded, the bottle rinsed, and fresh solution poured into the spray bottle. Always label spray bottles with the name of the contents. Never add fresh solution to remaining old solution.

Division of Highway Patrol

Department of Commerce and Regulation

SOUTH DAKOTA HIGHWAY PATROL

1301 E. CATRON BOULEVARD (& HIGHWAY 79)
RAPID CITY SD 57701
PHONE (605) 394-2286 ▪ FAX (605) 394-5483

Subject: Commercial Licensing Requirements

Temporary commercial licenses are available and valid for any 30-day period and may be purchased for up to twelve months. The fees are determined according to gross vehicle weight. A fee schedule and a temporary permit application are included on the following pages. Single trip permits are available at a cost of $15.00 per single trip.

The temporary commercial license may be purchased from a County Treasurer's Office or at a Port of Entry. Single trip permits are available from the permit center, South Dakota Highway Patrol and the Ports of Entry.

Operators of vehicles doing business in South Dakota are subject to the requirements for commercial licensing. The proper South Dakota commercial vehicle license can be purchased through the International Registration Plan (IRP), whether it be an annual commercial license, temporary commercial license or a single trip permit.

An intrastate operation is the movement from one point within the state to another point within the same state. This would also include any service where the operator travels into South Dakota to perform a service or to sell a product, such as a vendor at the Sturgis® Motorcycle Rally.

The only exception to commercial registration is dependent upon the weight of the actual business property being transported. We have extended the same weight exemption granted to a South Dakota commercial carrier to nonresident operators. This allows a registered vehicle an exemption from commercial licensing when transporting less than five hundred (500) pounds of business property or equipment.

All vendors operating in South Dakota will be subject to inspection for compliance. Non-compliance may result in enforcement action.

South Dakota

30 Day Commercial License Fee Schedule

4,000 Pounds	**2 Ton**	**$ 9.00**
6,000 Pounds	**3 Ton**	**$ 11.00**
8,000 Pounds	**4 Ton**	**$ 13.00**
10,000 Pounds	**5 Ton**	**$ 15.00**
12,000 Pounds	**6 Ton**	**$ 18.00**
14,000 Pounds	**7 Ton**	**$ 21.00**
16,000 Pounds	**8 Ton**	**$ 24.00**
18,000 Pounds	**9 Ton**	**$ 27.00**
20,000 Pounds	**10 Ton**	**$ 30.00**
22,000 Pounds	**11 Ton**	**$ 37.00**
24,000 Pounds	**12 Ton**	**$ 44.00**
26,000 Pounds	**13 Ton**	**$ 51.00**
28,000 Pounds	**14 Ton**	**$ 58.00**
30,000 Pounds	**15 Ton**	**$ 63.00**
32,000 Pounds	**16 Ton**	**$ 72.00**
34,000 Pounds	**17 Ton**	**$ 79.00**
36,000 Pounds	**18 Ton**	**$ 86.00**
38,000 Pounds	**19 Ton**	**$ 93.00**
40,000 Pounds	**20 Ton**	**$100.00**
42,000 Pounds	**21 Ton**	**$107.00**
44,000 Pounds	**22 Ton**	**$114.00**
46,000 Pounds	**23 Ton**	**$121.00**
48,000 Pounds	**24 Ton**	**$128.00**
50,000 Pounds	**25 Ton**	**$135.00**
52,000 Pounds	**26 Ton**	**$142.00**
54,000 Pounds	**27 Ton**	**$149.00**
56,000 Pounds	**28 Ton**	**$156.00**
58,000 Pounds	**29 Ton**	**$163.00**
60,000 Pounds	**30 Ton**	**$170.00**
62,000 Pounds	**31 Ton**	**$177.00**
64,000 Pounds	**32 Ton**	**$184.00**
66,000 Pounds	**33 Ton**	**$191.00**
68,000 Pounds	**34 Ton**	**$198.00**
70,000 Pounds	**35 Ton**	**$205.00**
72,000 Pounds	**36 Ton**	**$212.00**
74,000 Pounds	**37 Ton**	**$219.00**
76,000 Pounds	**38 Ton**	**$226.00**
78,000 Pounds	**39 Ton**	**$233.00**
80,000 Pounds	**40 Ton**	**$240.00**

DIVISION OF HIGHWAY PATROL

DISTRICT 4—ZONE 4—TILFORD PORT OF ENTRY
PO BOX 905 STURGIS, SD 57785
PHONE:(605-347-2671)
FAX:(605-347-0072)

LOCATED ON I90
EAST BOUND
MILE POST 39

FAX REQUEST FORMS FOR PERMITS

We accept Visa, MasterCard, American Express and Discover

1. Name of Carrier / Person :_____
2. Address of Carrier / Person :_____
3. USDOT# :_____ FEIN :_____
4. Carrier / Person Phone Number :_____
5. Carrier / Person Insurance Information:
   Name of Insurance Company :_____
   Address :_____
   Effective Date :_____ Expiration Date :_____
   Amount :_____ Policy Number :_____

6. Point of Origin :_____ Destination :_____
7. Cargo :_____
8. Routes traveled in South Dakota :_____
9. Vehicle Information
   Apportioned weight for South Dakota :_____ IFTA Fuel Permit?_____
   Form RS-3 / Single State Registration ?_____ is SD listed ?_____
10. Truck / Tractor Make :_____State :_____License Plate :_____V.I.N. :_____
11. Trailer #1 Make :_____State :_____License Plate :_____V.I.N. :_____
12. Trailer #2 Make :_____State :_____License Plate :_____V.I.N. :_____

13. Type of Permit/s Requested :_____
14. Oversize / Overweight Information
    Overwidth :___ft. ___in. Over length :___ft. ___in. Over height :___ft. ___in.

Overweight: INCLUDE AXLE WEIGHTS, BRIDGE MEASUREMENTS, TIRE SIZES, NUMBER OF AXLES IF ANY AXLES DO NOT HAVE DUAL TIRES & LOCATIONS, DIAGRAM OF VEHICLE, IF ANY AXLE GROUP IS OVER 8 FT. WIDE

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15. Credit Card Number :_____ Expiration Date :_____
16. Phone Number of card holder :_____
17. Call back phone number :_____Contact person :_____
18. Fax Number :_____
19. Effective Date of Permit :_____

DIRECTORY

City of Sturgis

For overall Rally inquiries contact:

City of Sturgis Rally & Events Department
Brenda Vasknetz
1040 Harley-Davidson Way
Sturgis, SD 57785
Phone: 605.720.0800
Fax: 605.720.0801
Email: info@sturgismotorcyclerally.com

For Vendor License Applications contact:

City of Sturgis Finance Office
Fay Bueno
1040 Harley-Davidson Way
Sturgis, SD 57785
Phone: 605.347.4422
Fax: 605.347.4861
E-mail: fayb@sturgisgov.com

For Temporary Structures, City Ordinances and Inspections contact:

City of Sturgis Inspection Department
Scott Rovere
1040 Harley-Davidson Way
Sturgis, SD 57785
Phone: 605.347.4422
Fax: 605.347.4861
E-mail: inspec@sturgisgov.com

For Garbage/Sanitation and Streets contact:

City of Sturgis Public Works Department
Rick Bush
1057 Dudley Street
Sturgis, SD 57785
Phone: 605.347.3916
Fax: 605.347.3516
E-mail: rbush@sturgisgov.com

For Fire Codes contact:

City of Sturgis Fire Department
Tom Trigg
1901 Ball Park Rd.
Sturgis, SD 57785
Phone: 605.347.5801
Fax: 605.347.2558
E-mail: sfchief@rushmore.com

For City Law Enforcement Regulations contact:

City of Sturgis Police Department
Jim Bush
1400 Main Street
Sturgis, SD 57785
Phone: 605.347.5070
Fax: 605.347.6828
E-mail: jimbush@sturgisgov.com

State of South Dakota

For South Dakota sales tax information contact:

State of South Dakota Department of Revenue
1520 Haines Avenue, Suite 3, Rapid City, SD 57701
Phone: 605.394.2332
Website: http://sd.gov/rally

For South Dakota tattoo and body piercing regulations contact:

State of South Dakota Health Department
Office of Disease Prevention
909 East St. Patrick Street
Rapid City, SD 57701
Phone: 605.394.2370
or
Office of Disease Prevention
615 E. 4th Street
Pierre, SD 57501
Phone: 605.773.3737

For South Dakota Temporary Food Regulations contact:

Donna Gallimore
600 E. Capitol
Pierre, SD 57501
Phone: 605.773.4945

For South Dakota Commercial Motor Vehicle Regulations contact:

South Dakota Highway Patrol
1301 E. Catron Boulevard (& Highway 79)
Rapid City, SD 57701
Phone: 605.394.2286
or
Tilford Port of Entry
PO Box 905
Sturgis, SD 57785
Phone: 605.347.2671

Meade County

For Meade County Law Enforcement Regulations contact:

Meade County Sheriff's Office
1400 Main Street
Sturgis, SD 57785
Phone: 605.347.2681

For Meade County Vendor Licensing contact:

Meade County Equalization Office
1300 Sherman Street
Sturgis, SD 57785
Phone: 605.347.3818